

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12718 of 2023

Arising Out of PS. Case No.-248 Year-2022 Thana- BHAGWANPUR District- Vaishali

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AMLESH KUMAR Son of Shiv Chandra Ray Resident of Village-
Jagdishpur (Jarang Rampur), P.S.-Vaishali (Belsar O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate.

For the Opposite Party/s : Mr.Sharda Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2023 Heard Mr. Ranjit Kumar Thakur, learned counsel

appearing on behalf of the petitioner and Mrs. Sharda Kumari,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bhagwanpur P.S. Case No. 248 of 2022 registered for the
offence punishable under Sections 467, 468 and 120B of the
Indian Penal Code and Sections 30(a), 32(i)(ii), 36 and 41(i)(ii)
of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the F.I.R., total 2264.760 litres of Indian
Made Foreign Liquor was recovered from a Bolero bearing
Registration No. BR-06PA-4382 and a Truck bearing
Registration No. UP-25DT-5744.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has not denied the



allegation made in the F.I.R. though he was not in any way involved in the alleged smuggling of foreign liquor in the State of Bihar and no recovery was made from the house of the petitioner. One case is pending against the petitioner under Section 30(a) of the Bihar Prohibition and Excise Act. Name of the petitioner has surfaced in the present case on the basis of confessional statement of co-accused Md. Irfan.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Court below is directed to obtain a report from the District Transport Officer, Vaishali with respect to the Bolero bearing Registration No. BR-06PA-4382 and Truck bearing Registration No. UP-25DT-5744 and if it is found that the aforesaid vehicles from which huge quantity of liquor was recovered are not registered in the name of the petitioner on the basis of the Registration number / Engine Number / Chassis Number, then in that case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1 cum



Additional District and Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 248 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that incorrect statement has been made in Para-3 of the bail petition, this order will automatically loose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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